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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/499,562	02/07/2000	Mitsuhiro Suzuki	450100-02333	1452
20999	7590	03/29/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			GURSHMAN, GRIGORY	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/499,562

Applicant(s)

SUZUKI ET AL.

Examiner

Grigory Gurshman

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Transitional After Final Practice

1. Applicant's petition submission after final filed on 2/07/2005 has been found persuasive. The finality of the Office Action of 12/06/2004 has been withdrawn.

Response to Arguments

2. Claims 16-22, 28-33, 36 and 37 have been amended by Applicant.

3. Applicant's amendment of 28, 31, 32 and 33 has overcome the rejection under 35 USC § 112 second paragraph. The rejections of the instant claims under 35 USC § 112 are withdrawn.

4. Referring to claims 1-39 Applicant argues that U.S. Patent No. 6,625,811 to Kaneko does not qualify as prior art under MPEP § 706.2(k) since the instant Patent only qualifies as prior art under 35 USC § 102(e) due to the fact that both the claimed invention and the subject matter disclosed in U.S. Patent No. 6,625,811 were commonly owned by Sony Corporation. Examiner agrees, but points out that the same subject matter was disclosed in the Application JP 10303840 published November 13, 1998. The publication JP 10303840 by Kaneko does qualify as prior art since it meets the 35 USC § 102(b) criteria. Therefore, the publication JP 10303840 is applied in the rejections herein. The application of the newly discovered prior art has necessitated the new grounds of rejection provided in the instant Office Action.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 5-16, 19-36 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko (JP 10303840) in view of Menard (U.S. Patent No.

6.061.056).

7. Referring to the instant claims, Kaneko discloses a multichannel broadcasting system (see abstract). Kaneko teaches that a system output signals of broadcast contents in a multichannel broadcasting system, which includes a broadcast content storage unit for storing data of the broadcast contents, a plurality of main output buffer apparatuses each assigned to some of several output channels wherein data of broadcast contents to be output to the associated output channels is copied from the broadcast content storage unit to be output at output times as signals, backup output buffer apparatuses fewer in number than the main output buffer apparatuses wherein data of broadcast contents to be output to all the output channels is copied from the broadcast content storage unit, and a control unit for letting the backup output control apparatus output signals of broadcast contents stored therein for output channels associated with any of the main output buffer apparatuses to the output channels in the event of a failure occurring in any of the main output buffer apparatuses (see abstract).

8. Referring to the independent claims 1 and 30, the limitation "a reception means for receiving a broadcast content signal; a memory means for storing the broadcast content signal received by the reception means" is met by broadcast content storage unit (unit 3 in Fig.2A), which receives broadcast content signal from unit 2. The

limitation " a transmission means for transmitting the generated content request signal " are met by filing control module (101 in Fig. 2B), which transmits the filing list (i.e request) from the filing operation terminal control module (110 in Fig. 2B). While Kaneko teaches the use of the limitation "control means" in a form of terminal control module (110) he does not explicitly teach that the control means judges whether or not a specified content signal is stored in the memory means.

9. Referring to the instant claims, Menard discloses a television monitoring system (see abstract). Menard teaches a system for monitoring standard broadcast signals, comprises a device for receiving the broadcast signals, a user-operable selection device for inputting criteria identifying program content of interest to the user, a database for storing data representing the criteria, and a recognition device for generating from the broadcast signals a program data stream representative of the program content. A comparator for compares the program data with the stored data, and an output device carries out a predetermined action, such recording a segment of the program, when the program data matches the stored data (see abstract). The limitation " a control means for judging whether or not a specified content signal is stored in the memory means " is met by comparator (17 in Fig. 2), which compares the program data with the stored data. Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the broadcasting system of Kaneko by adding the control means, which judges whether or not a specified content signal is stored in the memory means as taught in Menard. One of ordinary skill in the art would have been motivated to modify the broadcasting system of Kaneko by adding the control means,

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which judges whether or not a specified content signal is stored in the memory means as taught in Menard in order for an output device to carry out a predetermined action, such as recording a segment of the program, when the program data matches the stored data (see Menard, abstract).

10. Claims 15 and 29 recite the method and are rejected under the same grounds as claim 1 and 30.

11. Referring to claims 16, 19, 22, 29 and 33-36, the limitation " plurality of the transmission apparatuses" is met by output buffers (see Fig.1 of Kaneko).

12. Referring to claims 6, 7, 34, and 36, Kaneko shows the use of a plurality of the communication apparatuses, reception means, memory means and control means (see Fig.1, 2A and 2B).

13. Referring to claims 2 and 3, Kaneko teaches that the broadcast content consists of the video and audio signal (see Fig.2).

14. Referring to claim 5, it is well known in the art to detect errors in the transmission and retransmit the content upon error detection. Is widely used by cellular phone technology for example by NOKIA.

15. Referring to claims 10 and 23, it is well known in the art to use time division technique while broadcasting the content over the same communication lines. One of ordinary skill in the art would have been motivated to use time division technique for more efficient use of available communication lines. Referring to claims 13, 14, 25, 26 and 27, it is also well known to use ground wave or satellite for sending the broadcast content. For example it is used by NOKIA.

16. Claims 4,17,18,37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko (JP 10303840) in view of Menard (U.S. Patent No. 6.061.056) and further in view of Lotspiech (U.S. Patent No.6.118.873).

17. Referring to the instant claims Kaneko and Menard teach the communication apparatus comprising control means for determining whether the content is already stored in the storage means. Kaneko and Menard, however, do not explicitly teach encrypting the content signal prior to storage.

18. Referring to the instant claims, Lotspiech discloses a system for encrypting broadcast programs (see abstract). Lotspiech teaches the system for encrypting one or more broadcast programs. The system includes plural user devices, each of which includes plural computer-usable device keys selected from a set of device keys (see abstract and Fig.1). Lotspiech shows that broadcast content is encrypted (unit 12) and decrypted (unit 30). Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the communication apparatus of Kaneko and Menard, comprising control means for determining whether the content is already stored in the storage means, by adding the encryption and decryption modules as taught in Lotspiech. One of ordinary skill in the art would have been motivated to modify the communication apparatus, comprising control means for determining whether the content is already stored in the storage means, by adding the encryption and decryption modules as taught in Lotspiech for secure transmission of digital programs to in-home devices (see Lotspiech, abstract).

Conclusion

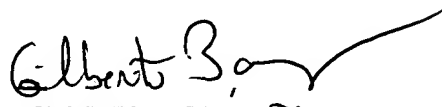
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Grigory Gurshman whose telephone number is (571)272-3803. The examiner can normally be reached on 9 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571)272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

G.G.
GG

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